

Transition from Legal Settlement to Residency

Under the Iowa Code and until July 1, 2013, which county was responsible for paying for an individual's services was determined according to the individual's county of "legal settlement." Legal settlement requires more than mere physical presence in the county. The concept of legal settlement is meant to allow assessment of expenses and responsibility to the county in which the individual lived and which received the benefits of the individual's residence prior to the need for public assistance. An individual maintained legal settlement in a county until such time as they went for a period of one year without public assistance. In some cases, determining legal settlement required extensive research into an individual's background.

As of July 1, 2013, funding for non-Medicaid services for individuals who are eligible are the funding responsibility of the county of residence. The definition of county of residence in the Code reads as follows:

"County of residence" means the county in this state in which, at the time a person applies for or receives services, the person is living in the county and has established an ongoing presence with the declared, good faith intention of living in the county for a permanent or indefinite period of time. The county of residence of a person who is a homeless person is the county where the homeless person usually sleeps. A person maintains residency in the county in which the person last resided while a person is present in another county receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or substance-related treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, or a residential care facility, or for the purpose of attending a college or university.

Counties are working together to sort through the issues presented by the definition of residency to try to come to a consistent agreement regarding the gray areas in the definition. So far, there have been issues raised relating to children, out-of-state placements into Iowa, and Dual Diagnosis services at Mt. Pleasant. In addition, there is a lot of debate regarding persons who are homeless and what it means to "usually" sleep and whether "intention" to stay impacts this analysis.